

1 TITLE VI—TRANSFER OF AERO- 2 NAUTICAL CHARTING ACTIVITY

3 SEC. 601. TRANSFER OF FUNCTIONS, POWERS, AND DUTIES.

4 Effective October 1, 2000, there are transferred to
5 the Federal Aviation Administration and vested in the Ad-
6 ministrator the functions, powers, and duties of the Sec-
7 retary of Commerce and other officers of the Department
8 of Commerce that relate to the Office of Aeronautical
9 Charting and Cartography and are set forth in section
10 44721 of title 49, United States Code.

11 SEC. 602. TRANSFER OF OFFICE, PERSONNEL, AND FUNDS.

12 (a) TRANSFER OF OFFICE.—Effective October 1,
13 2000, the Office of Aeronautical Charting and Cartog-
14 raphy of the National Oceanic and Atmospheric Adminis-
15 tration, Department of Commerce, is transferred to the
16 Federal Aviation Administration.

17 (b) OTHER TRANSFERS.—Effective October 1, 2000,
18 the personnel employed in connection with, and the assets,
19 liabilities, contracts, property, equipment, facilities,
20 records, and unexpended balance of appropriations, and
21 other funds employed, held, used, arising from, available
22 to, or to be made available in connection with the function
23 and offices, or portions of offices, transferred by this title,
24 including all Senior Executive Service positions, subject to
25 section 1531 of title 31, United States Code, are trans-

1 ferred to the Administrator of the Federal Aviation Ad-
2 ministration for appropriate allocation. Personnel em-
3 ployed in connection with functions transferred by this
4 title transfer under any applicable law and regulation re-
5 lating to transfer of functions. Unexpended funds trans-
6 ferred under this section shall be used only for the pur-
7 poses for which the funds were originally authorized and
8 appropriated, except that funds may be used for expenses
9 associated with the transfer authorized by this title.

10 **SEC. 603. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

11 (a) IN GENERAL.—Section 44721 is amended to read
12 as follows:

13 **“§ 44721. Aeronautical charts and related products**
14 **and services**

15 “(a) PUBLICATION.—

16 “(1) IN GENERAL.—The Administrator of the
17 Federal Aviation Administration may arrange for
18 the publication of aeronautical maps and charts nec-
19 essary for the safe and efficient movement of air-
20 craft in air navigation, using the facilities and as-
21 sistance of departments, agencies, and instrumental-
22 ities of the United States Government as far as
23 practicable.

24 “(2) NAVIGATION ROUTES.—In carrying out
25 paragraph (1), the Administrator shall update and

1 arrange for the publication of clearly defined routes
2 for navigating through a complex terminal airspace
3 area and to and from an airport located in such an
4 area, if the Administrator decides that publication of
5 the routes would promote safety in air navigation.

6 The routes shall be developed in consultation with
7 pilots and other users of affected airports and shall
8 be for the optional use of pilots operating under vis-
9 ual flight rules.

10 “(b) INDEMNIFICATION.—The Government shall
11 make an agreement to indemnify any person that pub-
12 lishes a map or chart for use in aeronautics from any part
13 of a claim arising out of the depiction by the person on
14 the map or chart of a defective or deficient flight proce-
15 dure or airway if the flight procedure or airway was—

16 “(1) prescribed by the Administrator;

17 “(2) depicted accurately on the map or chart;

18 and

19 “(3) not obviously defective or deficient.

20 “(c) AUTHORITY OF OFFICE OF AERONAUTICAL
21 CHARTING AND CARTOGRAPHY.—Effective October 1,
22 2000, the Administrator is vested with and shall exercise
23 the functions, powers, and duties of the Secretary of Com-
24 merce and other officers of the Department of Commerce
25 that relate to the Office of Aeronautical Charting and Car-

1 tography to provide aeronautical charts and related prod-
2 ucts and services for the safe and efficient navigation of
3 air commerce, under the following authorities:

4 “(1) Sections 1 through 9 of the Act entitled
5 ‘An Act to define the functions and duties of the
6 Coast and Geodetic Survey, and for other purposes’,
7 approved August 6, 1947, (33 U.S.C. 883a–883h).

8 “(2) Section 6082 of the Consolidated Omnibus
9 Budget Reconciliation Act of 1985 (33 U.S.C. 883j).

10 “(3) Section 1307 of title 44, United States
11 Code.

12 “(4) The provision of title II of the Depart-
13 ments of Commerce, Justice, and State, the Judici-
14 ary, and Related Agencies Appropriations Act, 1995
15 under the heading ‘National Oceanic and Atmos-
16 pheric Administration’ relating to aeronautical
17 charts (44 U.S.C. 1307 note).

18 “(d) AUTHORITY.—In order that full public benefit
19 may be derived from the dissemination of data resulting
20 from activities under this section and of related data from
21 other sources, the Administrator may—

22 “(1) develop, process, disseminate and publish
23 digital and analog data, information, compilations,
24 and reports;

1 “(2) compile, print, and disseminate aero-
2 nautical charts and related products and services of
3 the United States and its territories and possessions;

4 “(3) compile, print, and disseminate aero-
5 nautical charts and related products and services
6 covering international airspace as are required pri-
7 marily by United States civil aviation; and

8 “(4) compile, print, and disseminate nonaero-
9 nautical navigational, transportation or public-safe-
10 ty-related products and services when in the best in-
11 terests of the Government.

12 “(e) CONTRACTS, COOPERATIVE AGREEMENTS,
13 GRANTS, AND OTHER AGREEMENTS.—

14 “(1) CONTRACTS.—The Administrator is au-
15 thorized to contract with qualified organizations for
16 the performance of any part of the authorized func-
17 tions of the Office of Aeronautical Charting and
18 Cartography when the Administrator deems such
19 procedure to be in the public interest and will not
20 compromise public safety.

21 “(2) COOPERATIVE AGREEMENTS, GRANTS, AND
22 OTHER AGREEMENTS.—The Administrator is au-
23 thorized to enter into cooperative agreements,
24 grants, reimbursable agreements, memoranda of un-
25 derstanding and other agreements, with a State,

1 subdivision of a State, Federal agency, public or pri-
2 vate organization, or individual, to carry out the
3 purposes of this section.

4 “(f) SPECIAL SERVICES AND PRODUCTS.—

5 “(1) IN GENERAL.—The Administrator is au-
6 thorized, at the request of a State, subdivision of a
7 State, Federal agency, public or private organiza-
8 tion, or individual, to conduct special services, in-
9 cluding making special studies, or developing special
10 publications or products on matters relating to navi-
11 gation, transportation, or public safety.

12 “(2) FEES.—The Administrator shall assess a
13 fee for any special service provided under paragraph
14 (1). A fee shall be not more than the actual or esti-
15 mated full cost of the service. A fee may be reduced
16 or waived for research organizations, educational or-
17 ganizations, or non-profit organizations, when the
18 Administrator determines that reduction or waiver of
19 the fee is in the best interest of the Government by
20 furthering public safety.

21 “(g) SALE AND DISSEMINATION OF AERONAUTICAL
22 PRODUCTS.—

23 “(1) IN GENERAL.—Aeronautical products cre-
24 ated or maintained under the authority of this sec-

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1 tion shall be sold at prices established annually by
2 the Administrator consistent with the following:

3 “(A) MAXIMUM PRICE.—Subject to sub-
4 paragraph (B), the price of an aeronautical
5 product sold to the public shall be not more
6 than necessary to recover all costs attributable
7 to (i) data base management and processing;
8 (ii) compilation; (iii) printing or other types of
9 reproduction; and (iv) dissemination of the
10 product.

11 “(B) ADJUSTMENT OF PRICE.—The Ad-
12 ministrator shall adjust the price of an aero-
13 nautical product and service sold to the public
14 as necessary to avoid any adverse impact on
15 aviation safety attributable to the price speci-
16 fied under this paragraph.

17 “(C) COSTS ATTRIBUTABLE TO ACQUISSI-
18 TION OF AERONAUTICAL DATA.—A price estab-
19 lished under this paragraph may not include
20 costs attributable to the acquisition of aero-
21 nautical data.

22 “(2) PUBLICATION OF PRICES.—The Adminis-
23 trator shall publish annually the prices at which
24 aeronautical products are sold to the public.

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1 “(3) DISTRIBUTION.—The Administrator may
2 distribute aeronautical products and provide aero-
3 nautical services—

4 “(A) without charge to each foreign gov-
5 ernment or international organization with
6 which the Administrator or a Federal depart-
7 ment or agency has an agreement for exchange
8 of these products or services without cost;

9 “(B) at prices the Administrator estab-
10 lishes, to the departments and officers of the
11 United States requiring them for official use;
12 and

13 “(C) at reduced or no charge where, in the
14 judgment of the Administrator, furnishing the
15 aeronautical product or service to a recipient is
16 a reasonable exchange for voluntary contribu-
17 tion of information by the recipient to the ac-
18 tivities under this section.

19 “(4) FEES.—The fees provided for in this sub-
20 section are for the purpose of reimbursing the Gov-
21 ernment for the costs of creating, printing and dis-
22 seminating aeronautical products and services under
23 this section. The collection of fees authorized by this
24 section does not alter or expand any duty or liability
25 of the Government under existing law for the per-

1 formance of functions for which fees are collected,
2 nor does the collection of fees constitute an express
3 or implied undertaking by the Government to per-
4 form any activity in a certain manner.”.

5 (b) CONFORMING AMENDMENT.—The chapter anal-
6 ysis of chapter 447 is amended by striking the item relat-
7 ing to section 44721 and inserting the following:

“44721. Aeronautical charts and related products and services.”.

8 **SEC. 604. SAVINGS PROVISION.**

9 (a) CONTINUED EFFECTIVENESS OF DIRECTIVES.—
10 All orders, determinations, rules, regulations, permits,
11 contracts, certificates, licenses, privileges, and financial
12 assistance that—

13 (1) have been issued, made, granted, or allowed
14 to become effective by the President of the United
15 States, the Secretary of Commerce, the Adminis-
16 trator of the National Oceanic and Atmospheric Ad-
17 ministration, any Federal agency or official thereof,
18 or by a court of competent jurisdiction, in the per-
19 formance of functions which are transferred by this
20 title; and

21 (2) are in effect on the date of transfer,
22 shall continue in effect according to their terms until
23 modified, terminated, superseded, set aside, or revoked in
24 accordance with law by the President of the United States,

1 the Administrator of the Federal Aviation Administration,
2 a court of competent jurisdiction, or by operation of law.

3 (b) CONTINUED EFFECTIVENESS OF PENDING AC-
4 TIONS.—

5 (1) IN GENERAL.—The provisions of this title
6 shall not affect any proceedings, including notices of
7 proposed rulemaking, or any application for any li-
8 cense, permit, certificate, or financial assistance
9 pending on the date of transfer before the Depart-
10 ment of Commerce or the National Oceanic and At-
11 mospheric Administration, or any officer of such De-
12 partment or Administration, with respect to func-
13 tions transferred by this title, but such proceedings
14 or applications, to the extent that they relate to
15 functions transferred, shall be continued in accord
16 with transition guidelines promulgated by the Ad-
17 ministrator of the Federal Aviation Administration
18 under the authority of this section. Orders issued in
19 any such proceedings shall continue in effect until
20 modified, terminated, superseded, or revoked by the
21 Administrator of the Federal Aviation Administra-
22 tion, by a court of competent jurisdiction, or by op-
23 eration of law. Nothing in this subsection prohibits
24 the discontinuance or modification of any such pro-
25 ceeding under the same terms and conditions and to

1 the same extent that such proceeding could have
2 been discontinued or modified if this title had not
3 been enacted.

4 (2) TRANSITION GUIDELINES.—The Secretary
5 of Commerce, the Administrator of the National
6 Oceanic and Atmospheric Administration, and the
7 Administrator of the Federal Aviation Administra-
8 tion are authorized to issue transition guidelines
9 providing for the orderly transfer of proceedings and
10 otherwise to accomplish the orderly transfer of func-
11 tions, personnel and property under this title.

12 (c) CONTINUED EFFECTIVENESS OF JUDICIAL AC-
13 TIONS.—No cause of action by or against the Department
14 of Commerce or the National Oceanic and Atmospheric
15 Administration with respect to functions transferred by
16 this title, or by or against any officer thereof in the offi-
17 cial's capacity, shall abate by reason of the enactment of
18 this title. Causes of action and actions with respect to a
19 function or office transferred by this title, or other pro-
20 ceedings may be asserted by or against the United States
21 or an official of the Federal Aviation Administration, as
22 may be appropriate, and, in an action pending when this
23 title takes effect, the court may at any time, on its own
24 motion or that of any party, enter an order that will give
25 effect to the provisions of this subsection.

1 (d) SUBSTITUTION OR ADDITION OF PARTIES TO JU-
2 DICIAL ACTIONS.—If, on the date of transfer, the Depart-
3 ment of Commerce or the National Oceanic and Atmos-
4 pheric Administration, or any officer of the Department
5 or Administration in an official capacity, is a party to an
6 action, and under this title any function relating to the
7 action of the Department, Administration, or officer is
8 transferred to the Federal Aviation Administration, then
9 such action shall be continued with the Administrator of
10 the Federal Aviation Administration substituted or added
11 as a party.

12 (e) CONTINUED JURISDICTION OVER ACTIONS
13 TRANSFERRED.—Orders and actions of the Administrator
14 of the Federal Aviation Administration in the exercise of
15 functions transferred by this title shall be subject to judi-
16 cial review to the same extent and in the same manner
17 as if such orders and actions had been by the Department
18 of Commerce or the National Oceanic and Atmospheric
19 Administration, or any office or officer of such Depart-
20 ment or Administration, in the exercise of such functions
21 immediately preceding their transfer.

22 (f) LIABILITIES AND OBLIGATIONS.—The Adminis-
23 trator of the Federal Aviation Administration shall as-
24 sume all liabilities and obligations (tangible and incorpo-
25 real, present and executory) associated with the functions

1 transferred under this title on the date of transfer, includ-
2 ing leases, permits, licenses, contracts, agreements,
3 claims, tariffs, accounts receivable, accounts payable, fi-
4 nancial assistance, and litigation relating to such obliga-
5 tions, regardless whether judgment has been entered,
6 damages awarded, or appeal taken.

7 **SEC. 605. NATIONAL OCEAN SURVEY.**

8 (a) CHARTS AND PUBLICATIONS.—Section 2 of the
9 Act entitled “An Act to define the functions and duties
10 of the Coast and Geodetic Survey, and for other pur-
11 poses”, approved August 6, 1947 (33 U.S.C. 883b), is
12 amended—

13 (1) by striking paragraphs (3) and (5), and re-
14 designating paragraphs (4) and (6) as paragraphs
15 (3) and (4), respectively;

16 (2) by striking “charts of the United States, its
17 Territories, and possessions;” in paragraph (3), as
18 redesignated, and inserting “charts;” and

19 (3) by striking “publications for the United
20 States, its Territories, and possessions” in para-
21 graph (4), as redesignated, and inserting “publica-
22 tions”.

23 (b) COOPERATIVE AND OTHER AGREEMENTS.—Sec-
24 tion 5(1) of such Act (33 U.S.C. 883e(1)) is amended—

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1 (1) by striking “cooperative agreements” and
2 inserting “cooperative agreements, or any other
3 agreements,”; and

4 (2) in paragraph (2) by striking “cooperative”.

5 **SEC. 606. SALE AND DISTRIBUTION OF NAUTICAL AND**
6 **AERONAUTICAL PRODUCTS BY NOAA.**

7 (a) IN GENERAL.—Section 1307 of title 44, United
8 States Code, is amended—

9 (1) in the section heading by striking “**and**
10 **aeronautical**”; and

11 (2) by striking “and aeronautical” and “or
12 aeronautical” each place they appear.

13 (b) PRICES.—Section 1307(a)(2)(B) of such title is
14 amended by striking “aviation and”.

15 (c) FEES.—Section 1307(d) of such title 44 is
16 amended by striking “aeronautical and”.

17 (d) CONFORMING AMENDMENT.—The analysis for
18 chapter 13 of title 44, United States Code, is amended
19 in the item relating to section 1307 by striking “and aero-
20 nautical”.

21 **SEC. 607. PROCUREMENT OF PRIVATE ENTERPRISE MAP-**
22 **PING, CHARTING, AND GEOGRAPHIC INFOR-**
23 **MATION SYSTEMS.**

24 The Administrator shall consider procuring mapping,
25 charting, and geographic information systems necessary to

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1 carry out the duties of the Administrator under title 49,
2 United States Code, from private enterprises, if the Ad-
3 ministrator determines that such procurement furthers
4 the mission of the Federal Aviation Administration and
5 is cost effective.